

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

Criminal Action
No. 19-cr-10117-IT-6

6 v.

September 13, 2019

7 FELICITY HUFFMAN,

Pages 1 to 48

8 Defendants.

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11 TRANSCRIPT OF SENTENCING HEARING
12 BEFORE THE HONORABLE INDIRA TALWANI
13 UNITED STATES DISTRICT COURT
14 JOHN J. MOAKLEY U.S. COURTHOUSE
15 ONE COURTHOUSE WAY
16 BOSTON, MASSACHUSETTS 02210

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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Indira Talwani, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Boston, Massachusetts, on September 13, 2019.)

THE CLERK: All rise. You may be seated. United States District Court is now in session. The Honorable Judge Indira Talwani presiding. This is case number 19-CR-10117, United States v. Felicity Huffman. Will counsel please identify yourselves for the record.

MR. ROSEN: Good afternoon, Your Honor. Eric Rosen, Kristen Kearney, Justin O'Connell and Leslie Wright for the government.

THE COURT: Good afternoon.

MR. MURPHY: Good afternoon, Your Honor. Martin Murphy for Felicity Huffman.

MS. AMRHEIN: Good afternoon, Your Honor. Julia Amrhein also for Felicity Huffman.

THE COURT: Good afternoon. So we're here for sentencing. I'm going to start with the documents that I have received and make sure I have what I should have. The presentence report prepared on August 9, 2019, and revised on September 6, 2019; the government's sentencing memorandum as

1 to all defendants and the sentencing memorandum as to
2 Ms. Huffman, which were both filed on September 6; the
3 defendant's sentencing memorandum and accompanying exhibits
4 also filed September 6.

5 I have two victim impact statements from testing
6 services. There were others relating to the universities
7 that I did not consider in connection with this sentencing
8 except to the extent that that was addressed in the order I
9 issued earlier today.

10 There is a sealed exhibit that the government
11 submitted on September 10; the defendant's reply memorandum
12 which was filed on the 12th. To my knowledge that is the
13 only material that's been submitted to me by the parties; is
14 that correct?

15 MR. ROSEN: That's correct, Your Honor.

16 MR. MURPHY: That's correct, Your Honor. We did
17 file an additional letter that we received from the Clerk's
18 office this morning.

19 THE COURT: Thank you. Do you want to pass that to
20 me? In addition to the letter, this is a letter that came in
21 electronically yesterday. I have received some pieces of
22 correspondence directly to chambers over the last few months.
23 Some of those I have -- Well, I guess I've read them all,
24 although some of them were some time ago. I have not
25 reviewed them in connection with the sentencing.

1 There have been other communications from the
2 public that were sent directly to the Clerk's office. I
3 believe you've gotten copies of those now from the Clerks?

4 MR. ROSEN: We have.

5 MR. MURPHY: We received them a few moments ago,
6 yes, Your Honor.

7 THE COURT: So at this point I am not relying on
8 any of that. Certainly the material that went directly to
9 the Clerk and wasn't intending to read unless either side
10 wanted me to in advance of sentencing. The other letters, as
11 I said, I have read, but they were some time ago, and I don't
12 anticipate that they would affect the sentencing. But again
13 if either side wants to submit something from that, you are
14 welcome to.

15 MR. MURPHY: We do not, Your Honor. Thank you.

16 MR. ROSEN: No, Your Honor.

17 THE COURT: So with that we will proceed with the
18 material I have here for probation. There you are. Was any
19 information withheld from the presentence report?

20 THE PROBATION OFFICER: No, Your Honor.

21 THE COURT: Mr. Rosen, do you have any witnesses or
22 victims present who plan to make a statement?

23 MR. ROSEN: We do not.

24 THE COURT: Mr. Murphy, have you had an opportunity
25 to review all of the materials submitted in connection with

1 the sentencing?

2 MR. MURPHY: I have, Your Honor.

3 THE COURT: And have you had a chance to go over it
4 with the defendant?

5 MR. MURPHY: I have, Your Honor.

6 THE COURT: And Ms. Huffman, have you had a chance
7 to review all the materials?

8 THE DEFENDANT: Yes, I have, Your Honor.

9 THE COURT: And have you discussed it with your
10 counsel?

11 THE DEFENDANT: Yes, I have, Your Honor.

12 THE COURT: And Mr. Murphy, were you expecting any
13 kind of evidentiary hearing or have any witnesses?

14 MR. MURPHY: I was not, Your Honor. Thank you.

15 THE COURT: Okay. Thank you. So my procedure here
16 is to start with the presentence report, go through
17 objections and see which ones I need to resolve and resolve
18 the ones I need to, and then proceed from that to the
19 parties' sentencing recommendations.

20 I'm going to start first with the objections filed
21 by the defendant. Objections 1 through 8 concerned a section
22 of the presentence report which is entitled general
23 background. Other than moving the heading between paragraph
24 23 and 24, which is the heading for the college entrance exam
25 cheating scheme, and then the next heading on page 11, which

1 is the college recruitment scheme, I was going to suggest to
2 the probation officer to change where those headings are to
3 make clear that all of this is general background about the
4 overall events charged in the information in front of me.

5 It is the practice in this court that that whole
6 picture is given to the Court even where some of it doesn't
7 apply to the individual defendant. So with those two
8 changes, I'm just making clear that those subsections are
9 subsections of the general background. Is there anything
10 further I need to address out of that first set?

11 MR. MURPHY: There isn't, Your Honor. With respect
12 to the other objections, if I could say, they have all been
13 resolved to the satisfaction of the defendant.

14 THE COURT: Okay. And I would note that with
15 regard to those objections, some changes have been made and
16 other clarifications are now there in the presentence report
17 for me. With that I think we're turning then to the
18 government's objections.

19 Objection 1 and 2 I think was addressed in the
20 order that I had docketed earlier today. Any disagreement?

21 MR. ROSEN: No disagreement. I just want to
22 preserve for the record that we do believe the extra two
23 points here would apply under the guidelines.

24 THE COURT: Objection noted.

25 MR. ROSEN: Thank you.

1 THE COURT: The government's objection 9, the
2 presentence report said that there would be no restitution,
3 and the government's objection said that you may still file
4 something, essentially contending that you would have 90 days
5 after today to file something. I think I understood from our
6 earlier hearing that you weren't intending to seek
7 restitution in this case.

8 MR. ROSEN: That is correct. We have conferred
9 with the victims here, and they have chosen not to seek
10 restitution from the Court or the defendant.

11 THE COURT: And I would just clarify, to be clear
12 just with regard to the objection that the government made
13 there, Section 3664, 18 U.S.C. Section 3664, which is the
14 procedure for how to obtain restitution places the burden on
15 the government to, during the presentence process but not
16 later than 60 days prior to sentencing, consult with victims,
17 promptly provide the probation officer with a listing of
18 amounts subject to restitution.

19 And this 90-day extension after sentencing is only
20 where the victims losses are not ascertainable, not
21 ascertained. So the fact that a party that views itself as a
22 victim hasn't yet done the calculations is not a reason to
23 allow a late submission. Instead I think that not
24 ascertainable would really address losses that occurred after
25 or too close to the date of sentencing to do them within the

1 schedule of the presentence report. Anyway, but for today we
2 don't need to do anything further on that. I think that
3 takes care of all of the objections; is that correct?
4 Recognizing that you have objections to the particular
5 guideline numbers, which we'll go through.

6 MR. ROSEN: Yes, Your Honor.

7 THE COURT: Okay. So the next thing that I need to
8 do for purposes of sentencing is calculate what the guideline
9 sentence is in this case. As all the lawyers here know, this
10 is a starting point for me, but it's a starting point that I
11 am expected to get correct. So I'm going to go through this.

12 The base offense level for a violation of 18 U.S.C.
13 Section 1349, which is the conspiracy to commit mail fraud
14 and honest services mail fraud, is a base offense level of 7.
15 Any dispute with that?

16 MR. ROSEN: No, Your Honor.

17 MR. MURPHY: No, Your Honor.

18 THE COURT: Okay. And then the probation officer
19 and I have both concluded that there is no foreseeable or
20 actual pecuniary harm to the testing services here, and,
21 therefore, no measurable loss for purposes of the guidelines
22 under this specific guideline. And further, that gain cannot
23 be used as an alternative measure of loss.

24 So I have a zero level increase for specific
25 offense characteristics. I understand the government

1 disagrees and is reserving your objection that there should
2 be a two-level enhancement.

3 MR. ROSEN: That's correct.

4 THE COURT: But I get to an adjusted offense level
5 of 7. A two-level decrease for acceptance of responsibility
6 because the defendant has clearly demonstrated acceptance of
7 responsibility for the offense, getting us to a guideline
8 total offense level of 5. Other than the objection that the
9 government is preserving, is there any objection to that
10 calculation?

11 MR. ROSEN: No, Your Honor.

12 MR. MURPHY: No, Your Honor.

13 THE COURT: And I then turn to criminal history,
14 and there is no criminal history here in the presentence
15 report. I have a total criminal history points of zero,
16 Criminal History Category 1. Any disagreement with that?

17 MR. ROSEN: No, Your Honor.

18 MR. MURPHY: No, Your Honor.

19 THE COURT: Okay. I'll go through the statutory
20 provision and the guideline provision, and then obviously I
21 need to determine what the appropriate sentence is. But
22 here's our framework: With a total offense level of 5 and a
23 Criminal History Category of 1 for the offense of conviction,
24 the statutory provision for custody is not more than 20
25 years. The guideline provision is zero months to six months.

1 Supervised release, statutory provision is not more than
2 three years. Guideline provision is one year to three years.
3 Statutory provision permits probation of one year to five
4 years. The guideline provision is not more than three years.
5 The statutory provision allows for a fine of not more than
6 \$250,000. And the guideline provision here is \$500 to
7 \$9,500, my calculation of the offense level. No restitution
8 as we have discussed. I don't believe there's any forfeiture
9 at issue. And a special assessment of \$100.

10 Any disagreement with those figures.

11 MR. ROSEN: Just on the fine calculation pursuant
12 to our earlier objection.

13 THE COURT: Okay. Thank you. With that, I'm
14 prepared to hear the government's recommendation.

15 MR. ROSEN: Could I use the podium, Your Honor?

16 THE COURT: Absolutely.

17 MR. ROSEN: Thank you. The defendant, Felicity
18 Huffman, must go to jail for one month because the only
19 meaningful and sufficient sanction for the criminal activity
20 that she engaged in is prison. Let me tell you why.

21 First, there is simply no excuse for what she did.
22 In her own sentencing materials, the defendant provides this
23 Court with a rationale for why she committed this crime. She
24 told you that this crime resulted from the bewilderment,
25 anxiety and insecurity of being a mom.

1 We have no reason to doubt the sincerity of those
2 sentiments, but with all due respect to the defendant,
3 welcome to parenthood. There's no instruction manual.
4 Parenthood is terrifying, exhausting, and stressful. But
5 that's what every parent goes through. What parenthood does
6 not do, it does not make you a felon. It does not make you
7 cheat. In fact, it makes you want to serve as a positive
8 role model for your kids, not someone who cuts corners.

9 We all want the best for our children, to give them
10 an edge that we believe they deserve. But most parents have
11 the moral compass and integrity not to step over the line.
12 The defendant did not.

13 Second, imprisonment is needed because this was a
14 considered, deliberate, and purposeful criminal act. I'm not
15 going to rehash the entirety of the crime as set forth in our
16 papers, but a few points should be made. From the very
17 instant that the scheme was proposed to her by Rick Singer,
18 the defendant knew that it was wrong. She even wrote down in
19 her own notes that an increase in her daughter's SAT score
20 could trigger an investigation.

21 The defendant then, instead of rejecting the plan,
22 took it under advisement. She mulled it over for a period of
23 six weeks before finally agreeing to it.

24 The defendant then actively and enthusiastically
25 participated in the scheme. She got the 100 percent extended

1 time that allowed her to take it at West Hollywood College
2 Prep. She lied to her daughter's counselor to move the exam
3 to that test center. She called the college board to ensure
4 that the test had been properly shipped.

5 Satisfied with the score that her daughter
6 received, she then paid Singer's charity \$15,000. Happy with
7 the results, she made plans to do it all over again. But
8 that wasn't the end of the crime. The whole purpose of
9 obtaining the fraudulent score was to send the score out to
10 universities nationwide to secure admission. And the
11 defendant did just that from December of 2017 through October
12 of 2018, including to a university in the District of
13 Massachusetts. But for her arrest in March of 2019, her plan
14 would have succeeded.

15 The defendant didn't just go into Walmart one day,
16 pick up a fake SAT score off the shelf and check out. This
17 was not a blunder or a mistake. This was deliberate and
18 intentional criminal conduct that occurred over a period of
19 18 months and which would have resulted in another deserving
20 student not getting in but for law enforcement intervention.

21 This was conduct that she had every opportunity to
22 disengage from, but she did not until the very very end. She
23 deliberately chose to proceed with something that she knows
24 was wrong showing disdain and contempt for the rule of law,
25 and she should be punished appropriately for her actions.

1 Third, similarly situated defendants do and should
2 go to prison for their crimes. The sentencing statistics for
3 2018 are posted on the Sentencing Commission's website. For
4 that year 2018 nationwide, there were 2,128 U.S. citizen
5 defendants sentenced who had guidelines in zone A like the
6 defendant.

7 Of those, 26.6 percent received prison. And 1.4
8 additional percent received prison plus some type of home
9 confinement or halfway house. So nearly one-third of
10 similarly situated defendants went to jail.

11 Of course we do not look at just what zone the
12 defendants are in. We must compare the defendant to those
13 who engage in similar conduct. According to the Sentencing
14 Commission for 2017, 72.3 percent of all defendants sentenced
15 under 2B1.1, like those here, went to prison. And in our
16 sentencing memo we cite to numerous --

17 THE COURT: Let me just stop you on that second
18 statistic. Are you saying 70 some percent of people with
19 this guideline provision or with this sentencing range went
20 to prison?

21 MR. ROSEN: Just under 2B1.1, Your Honor. Not the
22 sentencing range.

23 THE COURT: So that number would reflect people
24 with different criminal history.

25 MR. ROSEN: Different criminal history and also

1 different loss amount. You're right. In our sentencing memo
2 we do cite to numerous education fraud cases where defendants
3 did go to prison and some for lengthy periods of time. The
4 point with including those cases, not to show that factually
5 they were alike, the point is that those who commit fraud in
6 the education context can be and have been sentenced to terms
7 of imprisonment.

8 We recognize that the conduct in those cases is
9 different in some respects, and we tailored our sentencing
10 recommendation here of just one month to be far below that of
11 the other defendants cited in our memo.

12 THE COURT: So just in terms of what is helpful for
13 me and what is unnecessary for me to comb through.

14 MR. ROSEN: Sure.

15 THE COURT: You've given me a list of cases where
16 people had a far greater sentence than what you are seeking
17 here.

18 MR. ROSEN: Correct.

19 THE COURT: The defendant took the time to go
20 through and say here why the circumstances are all different,
21 and their analysis seems fairly compelling. Is it a fair, a
22 more realistic analysis here is for me that certainly the
23 notion of prison is an open one. But I am trying to make a
24 determination both of what's appropriate in this circumstance
25 based on the circumstances here.

1 And to the extent that I am looking at what is done
2 in comparable situations, I need to look at comparable ones.
3 And I guess my question is similarly how much time should we
4 waste on the ones or spend on the ones where there's a
5 four-year sentence or there's a much lengthier sentence, but
6 it's a very different set of circumstances.

7 MR. ROSEN: It absolutely is, Judge. The point of
8 including those -- Well, first of all, there are some that
9 are comparable. I'm going to go through. There's one I'm
10 going to talk about. It's worth noting that imprisonment for
11 those cases, at least, when you have a systemic fraud, when
12 you have a corruption of the system, the point of showing
13 those cases was simply to show that prison can be used as a
14 means of punishment there. That's all there was.

15 We look looked at those cases, looked at what the
16 defendants did, and then we tailored our recommendation down
17 from the four years, five years, down to a simple one month.
18 The point was simply to show that education matters, and a
19 prison sentence can be sufficient punishment for that.

20 It was interesting because you brought up the
21 compelling analysis of the defendant in their reply brief.
22 And, of course, we read that. There's one case that the
23 defendant left out of their reply brief. It's cited in ours.
24 We don't use the actual name of the defendant. But it's the
25 case of Kelly Williams Bowler, a teacher's aid at a high

1 school for students with disabilities in Akron, Ohio.
2 Williams Bowler served ten days in prison for falsifying her
3 home address in order to get her daughters out of an
4 inner-city Akron school and into a better suburban school
5 district.

6 Ten days in prison for conduct far less egregious
7 than that of defendant here. Williams Bowler lied. She
8 cheated, and she went to jail. If a poor single mom from
9 Akron, who is actually trying to provide a better education
10 for her kids, goes to jail, there is no reason that a
11 wealthy, privileged mother with all the legal means available
12 to her should avoid that same fate.

13 If we respect the rule of law, we should not treat
14 any defendant differently because of wealth or status. And
15 if we believe in just punishment, we should not put the
16 Williams Bowlers in jail while letting the Huffmans go free.

17 But of course there are alternatives to
18 imprisonment. But ultimately the purpose of sentencing here
19 and in every case is to punish. Defendant acknowledges that
20 in her memo. Yet the punishment she proposes, Judge, is
21 essentially no punishment at all. She wants a year of
22 probation and 250 hours of community service. Five hours of
23 community service each week are apparently sufficient to
24 punish the defendant.

25 Court-ordered community service is just not

1 appropriate here for the simple reason that in this case it's
2 not punishment. The defendant already volunteers in her
3 community and in her daughter's school. In her own
4 sentencing brief she writes that her volunteering and
5 fundraising for her daughter's high school was "nothing out
6 of the ordinary."

7 Punishment is not supposed to be something ordinary
8 for the defendant. Punishment is doing something they don't
9 want to do, not something she already does and enjoys.

10 And what about that year of probation? Probation
11 can be effective for offenders who need rehabilitation to
12 deter them from committing additional crimes and to provide
13 an opportunity to make restitution. Often, as you know,
14 conditions of probation include keeping or maintaining
15 employment, having satisfactory living conditions, not using
16 illegal narcotics, going to treatment.

17 It is undisputed here that the defendant does not
18 fall in that category. And the \$20,000 fine for someone with
19 a net worth in the tens of millions, that's simply a rounding
20 error. A sentence must be set that punishes. A sentence of
21 imprisonment here does that. Not just to make sure that this
22 defendant does not re-offend but also about the next Felicity
23 Huffman, the one watching this proceeding unfold, and will
24 think twice or three times before agreeing to cheat on a
25 standardized test or bribing a coach. A message must be

1 sent. And imprisonment is the only way to send that message.

2 Now, she does appear in her sentencing memo to
3 recognize that the sentence she asks the Court to impose is,
4 to put it charitably, light. So she pivots to the explain to
5 the Court that she has already suffered, and that's enough, I
6 have been punished. And what does she point to? Well, the
7 FBI arrested her at her house. Meaning that she bristles
8 about being treated like an ordinary person who has committed
9 a crime.

10 She immediately became part of a major public
11 spectacle. So what? As we point out in our memo, to accept
12 that logic is to ascribe an inverse relationship between fame
13 and punishment where the more famous you are, the less
14 punishment you get. Wealthy people who get their picture
15 taken get off. Poor people whose crimes garner little more
16 than a press release go to jail. But more important that
17 logic simply confirms why prison is appropriate here.

18 In prison there is no paparazzi. In prison,
19 everyone is treated the same. Everyone wears the same
20 clothes and is subject to the same rules. Prison, as we've
21 pointed out, is the great leveler. Prison is necessary here.

22 She laments that her daughter is not going to
23 college and that both daughters remain angry at her. Yes,
24 when you commit crimes allegedly on their behalf and show
25 them how little confidence you have in them, they will be and

1 have a right to be angry. That is not a collateral
2 consequence of this case. That is a consequence of her
3 actions regardless of whether or not she got caught.

4 And she doesn't know if or when she can work again.
5 She is extraordinarily talented. I have high confidence that
6 she'll be able to find work. Netflix just released her new
7 movie before she's even been sentenced here. Memories fade.
8 Reputations are rebuilt.

9 I would like this Court to think about that when
10 Mr. Murphy stands up and talks about some of the cases in his
11 brief, like that of Xinyan Wang, a Chinese national, who took
12 the GRE exam on behalf of another student. Wang received a
13 year probation from this Court last year. But Wang was
14 subject to deportation for her crime and permanent banishment
15 effectively from the United States. Wang's economic future
16 collapsed as a result of her conviction.

17 For the defendant, by contrast, with a net worth in
18 the tens of millions, she'll be just fine. What the
19 defendant really wants this Court to do is rule that the fact
20 of being prosecuted alone is enough. She has suffered and
21 she should not be punished any more. But that simply cannot
22 be true. It is not true from a moral perspective where we
23 are effectively setting aside punishment for those who are
24 not fortunate enough to be wealthy and powerful. It is also
25 not true under the 3553(a) factors which bind this Court.

1 Every 3553(a) factor weighs in favor of imprisonment. This
2 case is serious.

3 Defendant was part of the scheme designed to
4 corrupt the entire college application system on behalf of
5 people who already had the financial means to get what they
6 wanted legally. She did this once, but she planned to do it
7 again, signaling an inherent disregard for the laws that
8 govern our society, and almost as importantly, for the rules
9 and norms of fairness. And most importantly of all, a
10 sentence of imprisonment will be just.

11 If Kelly Williams Bowler can receive ten days in
12 jail for a crime far less egregious than that committed by
13 the defendant, I can say with the utmost confidence that a
14 sentence of 30 days in prison here is sufficient but not
15 greater than necessary to achieve justice. Thank you.

16 THE COURT: Thank you. Your recommendation
17 included 12 months of supervised release; is that correct?

18 MR. ROSEN: That is correct, Your Honor.

19 THE COURT: And a fine of \$20,000?

20 MR. ROSEN: That is correct.

21 THE COURT: And in your brief you requested
22 something I'd never seen before, an opportunity to submit
23 some proposed order concerning dispositions of fine proceeds.
24 It would be -- based on what I have in front of me, it
25 doesn't seem that this is a particularly fruitful avenue.

1 Unless you have some further argument, I would not be
2 inclined to allow for a subsequent order of that sort.

3 MR. ROSEN: I think -- and I don't know the actual
4 result of that this time, Your Honor, but I think that the
5 purpose of that was to perhaps set up a fund or something
6 where fine monies will be paid directly as scholarship monies
7 to students or in that nature. I just don't know the status
8 of that.

9 THE COURT: I guess I'm saying to you from my point
10 of view, unless you have something more firm right now, I
11 think I have to proceed on the assumption that this is a fine
12 as normal.

13 MR. ROSEN: That's fine.

14 THE COURT: Thank you. Defendant's recommendation,
15 please.

16 MR. MURPHY: Thank you, Your Honor. Your Honor, we
17 respectfully request that the Court impose a sentence of 12
18 months probation with a special condition that Ms. Huffman
19 perform 250 hours of community service and pay the \$20,000
20 fine that is referred to in the plea agreement.

21 I won't repeat what I said in my sentencing
22 memorandum, but I would like to make five points. First,
23 Your Honor, some of those will reinforce what the sentencing
24 memorandum says. Others are to respond to what Mr. Rosen has
25 said here today and what the government says in its

1 sentencing memorandum.

2 First, Your Honor, the government expresses the
3 view in its pleadings and a moment ago that the sentence that
4 we have proposed, a sentence that is fundamentally a
5 probationary sentence, is not real punishment. In the words
6 of the government's sentencing memorandum itself, it called
7 the sentence that we proposed or punishment other than
8 imprisonment a penological joke.

9 I would respectfully suggest, Your Honor, that that
10 is simply wrong, and it is wrong as a matter of law.

11 The Sentencing Reform Act makes a sentence of
12 probation real punishment. The sentencing guidelines say
13 that for defendants, particularly ones who occupy the 0 to 6
14 guideline range zone, a sentence of probation is real
15 punishment. Twelve years ago in the Supreme Court's opinion
16 in *Gall*, the Supreme Court said that a sentence of probation
17 is real punishment; that is, in their own words a substantial
18 restriction on liberty.

19 Last year the Sentencing Commission when it adopted
20 Amendment 811 urged courts, reminded them that when they are
21 considering defendants exactly like Ms. Huffman, first
22 offenders who commit nonviolent offenses, that they should
23 consider non-incarcerative sentences as an option.

24 For years the Department of Justice has opposed
25 these developments. Twelve years ago in *Gall* it argued

1 against the Supreme Court's decision, the one the Supreme
2 Court ultimately reached. Last year, the United States
3 Attorney for the district here went down to Washington and
4 testified against Amendment 811.

5 But the fact is that under the law, they have lost
6 those fights.

7 THE COURT: So, Mr. Murphy, I agree with you in the
8 larger picture that probation can be a sufficient punishment
9 and an appropriate sentence. I don't find helpful the
10 reference to it as a joke. I think everything we're doing
11 here is very very serious, and I don't see it as a joke. I
12 have had counsel suggest that maybe they would like a break
13 and take home confinement. I don't think that's humorous.
14 Not this counsel. I've had other counsel make that
15 suggestion.

16 So I take your point. So you don't need to
17 convince me of that. I understand the notion that one can
18 have a probation sentence. I need to figure out the right
19 sentence in this case. That's what I need to hear from you.

20 MR. MURPHY: So let me move on to that. Let me
21 address first the sentencing statistics. Mr. Rosen has
22 culled out a few of them from I think different years. We
23 hadn't seen those before, so the Court hasn't had an
24 opportunity to vet them. We have, I respectfully suggest,
25 submitted a coherent picture of what the actual sentencing

1 data shows happens in cases that involve defendants who are
2 most similarly situated to Ms. Huffman. That is,
3 sentences -- I don't mean to interrupt, Your Honor.

4 THE COURT: And you've given me some numbers that
5 there's a small percentage of defendants in a 0 to 6 month
6 category who are serving jail time.

7 MR. MURPHY: That's correct.

8 THE COURT: Again my question would be why not this
9 case though.

10 MR. MURPHY: And the reason, Your Honor, why not
11 this case, Your Honor? I think first the Court has an
12 obligation to consider the need to avoid unwarranted
13 disparities. So from our perspective, Your Honor, one of the
14 key things the Court should do is to impose a sentence that
15 treats Ms. Huffman like other similarly situated defendants.
16 Not treat her more harshly because of her wealth and fame or
17 treat her more favorably because of her wealth and fame.

18 So what those statistics show is what sentence
19 other judges have imposed on other defendants who engaged in
20 similar criminal conduct who had like similar criminal
21 records. And the overwhelming percentage of those, Your
22 Honor, were not sentenced to jail on their sentencing dates,
23 the overwhelming percentage.

24 In the District of Massachusetts for the years that
25 we have data, of 127 similarly situated defendants, only a

1 handful, literally five, were sentenced to jail. And all of
2 those defendants had aggravating factors that Ms. Huffman
3 does not have. They were, for example, police officers who
4 abused a position of trust.

5 We have looked, the government has looked, we have
6 looked, and the probation department has looked at the range
7 of conduct that is at issue in this case. There are
8 similarities certainly all of the defendants. The common
9 denominator was they dealt with Mr. Singer. But defendants
10 did different things. And the government itself has
11 concluded that Ms. Huffman is one of the two least culpable
12 defendants in all of these cases by virtue of its sentencing
13 recommendation. And there is good reason for that.

14 The probation department has likewise concluded
15 that there is no reason for a departure from the range of the
16 guidelines in this case. We suggest, Your Honor, that if you
17 look at the way that this crime was committed, and we do not
18 in any way seek to minimize or excuse what Ms. Huffman did,
19 but the aggravating factors that were present in so many of
20 the other cases are not present here. We've listed them out
21 on page 18 of our sentencing memorandum. The amount that was
22 paid was the lowest amount paid of any parent. And that's
23 only one factor especially under the Court's order today.

24 Ms. Huffman did not enlist her daughter in this
25 crime as some other parents did. She did not seek to fake

1 any kind of educational test results. She did not pretend
2 that her daughter was someone else other than what she was.
3 And perhaps most important, Your Honor, when she had the
4 opportunity to decide whether she was going to do this again,
5 she said no. When she had the chance to decide what was she
6 going to do, she said no, I don't want to do this, it just
7 doesn't seem right.

8 That is a litmus test of Ms. Huffman's character.
9 Yes, she agreed to do this once, but she knew what she did
10 was wrong. Her moral compass, she was able to revisit it,
11 was able to set it right, and she was able to say no the
12 second time.

13 I feel compelled, Your Honor, to address what
14 Mr. Rosen has said about Ms. Huffman's wealth and fame.
15 Counting between the government's original sentencing
16 memorandum, its sentencing memorandum for all of the
17 defendants and its statements here today, I count 27
18 references to Ms. Huffman's wealth and fame from the
19 government.

20 It is true, of course, that Ms. Huffman is
21 successful. Like many successful people that has come as the
22 result of a number of different factors. Good luck,
23 certainly plenty of that; talent; and certainly hard work.
24 And in her profession while there are many actors who labor
25 in obscurity and who struggle financially, actors who achieve

1 success at the highest levels become sometimes rich and
2 famous. And that is certainly the case of Ms. Huffman.

3 I would never suggest, Your Honor, that Ms. Huffman
4 should be treated differently than other defendants because
5 she is wealthy and famous. As a lawyer who has spent hours,
6 thousands of hours, I think, in the course of my career
7 representing indigent defendants in this court, the kind of
8 defendants the government most often focuses on prosecution,
9 I would never say that. I don't know anyone who would.

10 But by the same token, Your Honor, it can't be the
11 case that Ms. Huffman should be treated more harshly because
12 of her financial circumstances and her notoriety. I would
13 respectfully suggest, unlike what the government says, that
14 that is not fair. What the law requires, I would
15 respectfully suggest, is a just sentence for every defendant
16 whether they are rich, whether they are poor, whether they
17 are famous, or whether they are unknown.

18 And we know what sentences judges impose on the
19 defendants who are similarly situated, the defendants who in
20 like cases have committed like crimes with similar records.
21 The overwhelming evidence shows that in those cases
22 defendants are not sentenced to prison, but they receive
23 sentences that are short of prison.

24 Mr. Rosen talked about the need to deter others. I
25 would respectfully suggest, Your Honor, that there's nothing

1 about the statute or the sentencing guidelines that require a
2 sentence of prison to deter others. Under the sentencing
3 guidelines and under 3553, imprisonment is not a kind of
4 default setting for the federal criminal sentencing system.
5 The Court in other cases I know has recognized that probation
6 can be a deterrent for others. And here I think it would be.

7 I would suggest respectfully to the Court that no
8 parent or any other individual who has seen what has happened
9 to Ms. Huffman would knowingly choose to make the choice that
10 she has. The consequences that she suffered are of her own
11 doing. She recognizes that, and I am not suggesting
12 otherwise. But there have been consequences.

13 Her daughter is not going to school next year.
14 Those consequences are continuing. For example, one of the
15 organizations where we hope that she would be able to do
16 community service as part of our proposal, I get an email
17 from them today saying in light of the publicity run up to
18 this hearing today, they have withdrawn their offer to permit
19 Ms. Huffman to do community service there.

20 The consequences are likely to continue. Every
21 defendant faces consequences that are difficult as a result
22 of a criminal sentence, and we are aware of those. But it
23 does not follow that only a sentence of imprisonment would
24 deter others. The fact of probation, the fact of what has
25 happened to her and a felony conviction is punishment. And I

1 don't want to belabor that point.

2 Finally, Your Honor, I would like to talk a little
3 bit about Ms. Huffman's history and characteristics, a key
4 part of the analysis under Section 3553(a). I think, Your
5 Honor, the letters that we've submitted and the evidence that
6 the probation officer found in the PSR leaves little doubt
7 that, this episode aside, her decision to commit this crime
8 aside, Ms. Huffman is a good, caring, and decent person.

9 I think the letters that we submitted are in my
10 experience extraordinary. She did on this one occasion lose
11 sight of her moral compass and stray from the kind of good
12 and decent life that she has led through her entire life up
13 until that point.

14 But we know, Your Honor, that long before she knew
15 that this investigation was underway, long before she knew
16 that Rick Singer was taping his phone calls with her, long
17 before her arrest in this case, she made on her own
18 independently the decision to right the ship and to turn in
19 the right direction. And when it came time to make the
20 decision about her younger daughter's testing, she said no.

21 I would respectfully suggest, Your Honor, that that
22 shows who Felicity Huffman really is. And I would
23 respectfully urge the Court, Your Honor, to impose the
24 sentence that we have recommended, a sentence that serves all
25 of the purposes of Section 3553(a) and as the statute

1 requires is sufficient but not greater than necessary to
2 serve all of the purposes of sentencing under federal
3 sentencing law. Thank you, Your Honor.

4 THE COURT: Thank you. Ms. Huffman, do you wish to
5 address the Court?

6 THE DEFENDANT: Yes, Your Honor. Thank you, Your
7 Honor, for this opportunity to speak. Let me first say that
8 I am sorry to you, Judge Talwani. As a federal judge, you
9 represent our country's legal system and the laws which I
10 have broken. So my first apology belongs to you.

11 I am deeply sorry to the students, parents,
12 colleges, and universities who have been impacted by my
13 actions. I am sorry to my daughter Sophia, my daughter
14 Georgia, and I am sorry to my husband Bill. I have betrayed
15 them all.

16 As I have been thinking about what to say to you
17 here today, my mind kept returning to a 20-minute drive to
18 the testing center in December two years ago. Sophia was in
19 the car next to me, and she was nervous about taking the SAT
20 and asking if afterwards we could get ice cream. And as we
21 were making plans, I thought to myself, turn around, turn
22 around, just turn around. And to my eternal shame, I didn't.

23 One of the hardest things I've had to face after my
24 arrest is when my daughter found out what I had done, and she
25 said to me, "I don't know who you are anymore, mom." And

1 then she asked me, "Why didn't you believe in me? Why didn't
2 you think I could do it on my own?" I had no adequate answer
3 for her. There is no adequate answer. I can only say I am
4 so sorry, Sophia. I was frightened. I was stupid, and I was
5 so wrong.

6 I am deeply ashamed of what I have done. I have
7 inflicted more damage than I could ever imagine. I now see
8 all the things that led me down this road, but ultimately
9 none of the reasons matter because at the end of the day I
10 had a choice. I could have said no.

11 I realize now with my mothering that love and truth
12 must go hand in hand and that my love coming at the expense
13 of truth is not real love. I take full responsibility for my
14 actions. As a first step in making amends for my crime, I am
15 prepared to accept whatever sentence you deem fit, and I will
16 deserve whatever punishment you give me.

17 Thank you, Your Honor.

18 THE COURT: Thank you. In determining a reasonable
19 sentence, I am required to consider the factors under 18
20 U.S.C. Section 3553(a), and I have done so in this case. As
21 I think of those factors, it moves around a little as I do
22 these analyses in different cases, but they really fall into
23 three areas.

24 I need to think about the defendant and the crime
25 that is in front of me. I need to consider under this the

1 nature and circumstances of the offense and the defendant's
2 personal and criminal history and characteristics.

3 I also have to consider the purposes of sentencing.
4 I need to consider the need that the sentence I impose
5 reflects the seriousness of the offense, promotes respect for
6 law, provides just punishment for the offense, affords
7 adequate deterrence to criminal conduct, protects the public
8 from further crimes of the defendant, provides the defendant
9 with needed educational or other training or corrective
10 treatment.

11 And then I need to think about the tools of
12 sentencing, the kinds of sentences that are available, the
13 sentencing ranges established for the category of offense
14 committed by the category of defendant under the guidelines
15 in effect at the time of sentencing.

16 And along with that policy statements issued by the
17 Sentencing Commission, the need to avoid unwarranted sentence
18 disparities among similarly situated defendants. And where
19 appropriate the need to provide restitution.

20 In this case I've gone through those factors, and
21 I've gone through the parties' arguments and their briefs and
22 thinking about them here today again, and I would like to
23 take a few things off the table. In the government's brief,
24 there was a notion that this scheme undermined confidence in
25 the college admission process generally. I think here I need

1 a more direct causation before placing an undermining of
2 confidence in college admissions on these defendants. And I
3 think it's important to reflect that the undermined
4 confidence in a meritocracy overall are an undermined
5 confidence in a level playing field has cracks in it with or
6 without what these defendants have done. That admissions at
7 most schools are not need blind; that our current college
8 admission process does not guaranty the absence of the back
9 door that Rick Singer talked about, legal donations to help
10 you get in; that there's a preference for legacy students at
11 most schools; and that the incredibly high percentage of
12 spots at private colleges that go to families in the top 20
13 percent of our income brackets here.

14 And finally, a surprising fact that I've learned
15 here is that very high rate of additional time for test
16 taking in wealthy communities compared to poor communities.

17 All of those are issues in college admissions that
18 this case may have helped to bring to light but which are not
19 something that these defendants are going to be punished for.
20 They do, however, give the context of where all of this
21 happened. And I just want to note on the additional time,
22 because I think it's important that the learning -- the
23 community that has sought and fought for this additional
24 time, that the issue here needs to be very clear. That at
25 least in this case, and perhaps in many of the others,

1 there's no need, no showing that the need for additional time
2 for test taking was not legitimate.

3 So I want to be clear that those may form a
4 backdrop, but they're not something that I'm sentencing this
5 defendant or probably most of the defendants here for. And
6 here, in particular, Ms. Huffman's actions aren't -- there's
7 no allegation that she was involved in the college
8 recruitment scheme. We're talking here about the test
9 taking.

10 As a further matter just sort of a little bit off
11 the table for me, in the back and forth of the briefs, the
12 government complained that the defendant had quibbled, I
13 think was the word they used, about certain details, and that
14 the import of this was to somehow try to argue to me that she
15 was somehow less guilty. I don't read the briefs that way.
16 I don't think that is what she is implying in it.

17 I do take her as having a full acceptance of
18 responsibility at this point. There's also suggestions here,
19 I think there were words about hypocrisy and profiting from
20 fundamental duplicity. I don't think any of that really will
21 factor into my sentencing.

22 On the other hand, some of the arguments raised by
23 the defendant also I am putting a bit aside. There is the
24 issue that the defendant -- that the arrest of the defendant
25 was with FBI agents arriving with guns, that there was

1 trauma. And the government's answer is, well, she's not
2 entitled to special treatment, that's how people are
3 arrested.

4 I don't know why an arrest with guns in her case
5 was necessary any more than I understand why an arrest with
6 guns is necessary in certain other cases. If an individual
7 will show up and turn themselves in, it's perhaps really a
8 side issue and perhaps not an ideal way for things to
9 proceed. But none of that is really the issue I need to
10 decide today. I need to figure out, having now admitted to
11 the crime here, what the appropriate sentence is separate
12 from the experience of being prosecuted.

13 So I'm going to sort of turn to those sort of major
14 policies that I need to address through sentencing and
15 explain why I find some of the arguments that were raised
16 really fit into one or another. One of the purposes of
17 sentencing is that I need to protect, I need to determine
18 what I need to do to protect the community from this specific
19 defendant, what's called specific deterrence.

20 And I don't think that there is any dispute here
21 that Ms. Huffman having chosen not to take these steps for
22 her second daughter after all of this -- after making the
23 choice in the first case; that she had nearly immediate
24 acceptance of responsibility once she was arrested. And,
25 frankly, neither side is arguing that I need to impose prison

1 or take any other steps to protect the community from
2 Ms. Huffman.

3 Some of the defendant's arguments about punishment
4 I actually put under this heading, the notion that
5 Ms. Huffman did not seek out Mr. Singer; that she does have a
6 strong moral compass. I think that those are factors, and
7 those impact me in finding that there is little I need to do
8 in sentencing to protect the community from Ms. Huffman going
9 forward.

10 I have to think about rehabilitation. I think
11 community service is part of rehabilitation. I think in this
12 circumstance it is not itself punishment, but I do think it's
13 an important part of rehabilitation, and I am going to order
14 community service in this case. I would say that that
15 community service will be directed towards really direct
16 community service rather than trading on, even if the
17 organization may want you to do so, rather than trading on
18 your fame for their economic help, but rather have direct
19 one-on-one help with individuals.

20 But now I turn to punishment. And here again need
21 to figure out what is just punishment, what reflects the
22 seriousness of the offense, what provides necessary general
23 deterrence. Ms. Huffman compared to the other defendants, I
24 think the government's brief would agree that with regard to
25 culpability, she paid the smallest or one of the two smallest

1 bribes. She was not a repeat player. She did not involve
2 her child. But we also know that she knew what she was doing
3 was wrong; that she did take many steps to facilitate the
4 scheme; and she knew it was a fraud. It was not an impulsive
5 act.

6 Trying to be a good mother doesn't excuse this. I
7 started out by talking a little bit about the larger
8 unfairness of the college system right now. And this is a
9 system which does not have a pure meritocracy. A person in a
10 position of wealth and the position you are in is in a much
11 easier position in this meritocracy, in this college
12 admissions efforts. And it is in that background that the
13 offense here needs to be considered.

14 I have trouble with the notion of general
15 deterrence in many many cases. It doesn't make sense to me a
16 lot of the time. I think about a person with a substance
17 abuse disorder. They know that robbing the bank is going to
18 get them in trouble, whether they're looking at four years or
19 20 years, they're going to have no impulse control. They're
20 going to go forward. I don't see what I do here really
21 helping on the general deterrence from that circumstance.

22 But some of the behavior that we're trying to have
23 people follow and how they follow it isn't a question of just
24 if you do this you're going to get arrested. Most of us,
25 most of what has to happen every day is people

1 self-regulating; that law abiding behavior is not because
2 people are afraid they will be caught but because they
3 understand the importance of that moral line that they're
4 crossing, why this would not be an acceptable action to take,
5 and they self-regulate, and don't do that.

6 And that's why I end up at the end here by just
7 really reflecting on why there was a sense of outrage in this
8 case.

9 It isn't because people discovered that there isn't
10 a true meritocracy out there. I think most parents working
11 with their children know that their children had a hard row
12 to go in the first place. That's not the outrage. The
13 outrage isn't the harm to the colleges. They may have been
14 harmed, but that's not the larger sense of what is happening
15 here, or the fact they might not get so many admission
16 applications or that the test -- the business of test taking
17 won't be so good.

18 The outrage is a system that is already so
19 distorted by money and privilege in the first place with some
20 children having small classes, individual tutoring or
21 counseling, homes with books and guidance and food and a roof
22 over your head, prep classes, friends who can help you find
23 good internships in the summer, help writing college essays,
24 college counselors along the way who can help diagnose your
25 child's learning problems.

1 In a system of that sort, in that context, that you
2 took the step of obtaining one more advantage to put your
3 child ahead of theirs. And I think that is the reason that
4 general deterrence matters in this case.

5 The government says the question isn't how much
6 time in prison but that there is some period of incarceration
7 that should be imposed. And in this case I am agreeing that
8 there should be incarceration imposed. I am not imposing 30
9 days. I don't think that is necessary. I am imposing a
10 14-day sentence. I'm also imposing a fine.

11 I am rejecting, as I said earlier, the government's
12 argument that I consider where this goes. I don't think I
13 have the authority to do that. I'm also -- although I don't
14 find the bribe amounts relevant to a determination of gain
15 and loss, I do think they have some relevance to the
16 defendant's understanding of this being an illegal
17 transaction, and that that dollar value has some meaning.

18 In many of these statutes there is a double gain or
19 loss from the guidelines as a maximum, and I am imposing a
20 \$30,000 fine. I am imposing supervised release for a period
21 of a year with 250 hours of community service working with
22 individual children or families at an approved placement.
23 The supervision conditions that I intend to impose are those
24 listed that were listed in the presentence report. And I
25 assume if there are any objections to any of those, you will

1 state them.

2 That's the sentence I intend to impose. I will
3 give you a minute to let me know if there is any objection
4 from either side. I don't think anybody wants to be going to
5 prison. I do think that this is the right sentence here. I
6 also think that in terms of your moving forward and your
7 rehabilitation, I think you take your sentence, you move
8 forward. I truly appreciated you saying you would accept
9 whatever sentence I give you. And you move forward and you
10 can rebuild your life after this. You've paid your dues.

11 I think without this sentence, I think you would be
12 looking at a future with the community around you asking why
13 you had gotten away with this. So that's the sentence I
14 intend to impose. Is there any objection before I formally
15 impose it?

16 MR. ROSEN: None from the government.

17 MR. MURPHY: No objection, Your Honor. I would
18 like to request that Ms. Huffman be permitted to self-report
19 and to ask for a particular recommendation of a federal
20 correctional institute. I can do that at the end or do it
21 whenever the Court --

22 THE COURT: Tell me the federal correctional
23 institute. If you can give me a parameter for it, rather
24 than a specific name, I have a better likelihood of the
25 Bureau of Prisons doing what I've asked.

1 MR. MURPHY: It is the federal correctional
2 institute in Dublin, California, which is the closest to
3 Ms. Huffman's residence likely to be able to accommodate what
4 I expect her designation would be. So I would request that
5 she be given that specific facility. And otherwise there's
6 no showing of any kind of security risk, that she be given
7 the lowest possible security designation closest to where she
8 lives.

9 THE COURT: I can tell you that it has been
10 recommended to judges at our -- when we have interactions
11 with folks from the Bureau of Prisons, we don't determine the
12 placement. They do. We make recommendations, not orders, to
13 the Bureau of Prisons. They are much happier fulfilling a
14 recommendation that has parameters rather than a specific
15 name of a facility.

16 They view that as their job, not mine. So I would
17 anticipate making this recommendation as the closest facility
18 consistent with her security designation rather than
19 specifically identifying Dublin. Would there be any
20 confusion of where else that would end up being?

21 MR. MURPHY: I think, Your Honor, if you could also
22 specifically designate that it be the same level of
23 classification as Dublin, which is a low security camp, as
24 the saying goes, in federal correctional institute parlance.

25 THE COURT: Again, I will make a recommendation.

1 Her presentence report has no suggestion that there would be
2 anything other than the lowest security designation. But
3 again I think you have a better chance of getting what you
4 want without my stepping on their toes.

5 MR. MURPHY: I appreciate that, Your Honor. Thank
6 you.

7 THE COURT: The government has no objection to her
8 self-reporting?

9 MR. ROSEN: None, Your Honor.

10 THE COURT: Ms. Huffman, will you please stand.

11 THE DEFENDANT: Yes.

12 THE COURT: Pursuant to the Sentencing Reform Act
13 of 1984, and having considered the sentencing factors
14 enumerated at 18 U.S.C. Section 3553(a), it is the judgment
15 of the Court that the defendant, Felicity Huffman, is hereby
16 sentenced to a term of imprisonment in the custody of the
17 Bureau of Prisons of 14 days.

18 Upon release from imprisonment, the defendant shall
19 be placed on supervised release for a term of one year.
20 Within 72 hours of release from custody of the Bureau of
21 Prisons, the defendant shall report in person to the district
22 to which the defendant is released. It is further ordered
23 that you shall pay the United States a fine of \$30,000. That
24 lump sum payment of \$30,000 is due within 14 days of
25 sentencing. Any fine imposed is -- all fine payments shall

1 be made to the Clerk of the United States District Court, and
2 you shall notify the United States Attorney for this district
3 within 30 days of any change of mailing or residence address
4 that occurs while any portion of the fine remains unpaid.

5 While under the probation office's supervision, you
6 shall comply with the following terms and conditions: Your
7 mandatory conditions of supervision, you must not commit
8 another federal, state or local crime. You must not
9 unlawfully possess a controlled substance. Drug testing
10 conditions are suspended based on the Court's determination
11 that the defendant poses a low risk of future substance
12 abuse.

13 You must cooperate in the collection of DNA as
14 directed by the probation officer. You must comply with the
15 standard conditions that have been adopted by the Court,
16 which are described at sentencing guideline section 5D1.3(c)
17 and will be set forth in detail on the judgment.

18 You are prohibited from incurring new credit
19 charges or opening additional lines of credit without the
20 approval of the probation office while any financial
21 obligations remain outstanding. You must provide the
22 probation office access to any financial information which
23 may be shared with the financial litigation unit of the U.S.
24 Attorney's Office while any financial obligations remain
25 outstanding. And you must complete 250 hours of community

1 service at an agency approved by the probation office. And I
2 do want that to be direct service to individuals or through
3 an agency to individuals or families.

4 And it is further ordered that you shall pay to the
5 United States a special assessment of \$100 which shall be due
6 immediately. The sentence is imposed for all the reasons
7 previously stated. And because the Court believes the
8 sentence in all its components is reasonable and is a
9 sentence that is sufficient but not greater than necessary to
10 accomplish the goals of sentencing consistent with 18 U.S.C.
11 Section 353 and the Supreme Court's guidance.

12 The plea agreement you've entered into with the
13 government limits your rights of appeal. Under the terms of
14 the plea agreement you have waived your right to challenge
15 your conviction on direct appeal or in a future proceeding.
16 However, you may still appeal on the ground of ineffective
17 assistance of counsel or that the prosecutor engaged in
18 misconduct. And if you're unable to pay appeal costs, you
19 may ask for permission to appeal in forma pauperis. With
20 that, the sentence is imposed as stated. You may be seated.

21 I am making a determination by clear and convincing
22 evidence on the record here that Ms. Huffman is not likely to
23 flee or pose a danger to the safety of any other person or
24 the community if released, and I am releasing her at this
25 time. Ms. Huffman, you are directed to self-report to the

1 designated Bureau of Prisons facility in six weeks. Failure
2 to surrender for service of sentence pursuant to court order
3 shall result in punishment of a fine or imprisonment of not
4 more than ten years, not more than -- that doesn't look
5 right. Not more than two years. And any such term of
6 imprisonment is consecutive to the term of imprisonment for
7 any other offense.

8 And a person convicted of a crime committed while
9 on release shall be also sentenced consecutively to any other
10 sentence for imprisonment. So with that you are directed to
11 self-report to a BOP facility that will be designated in six
12 weeks. I will make the recommendation for the designation
13 that was requested by defense counsel.

14 Is there anything else we need to address today?

15 MR. ROSEN: Nothing from the government, Your
16 Honor.

17 THE PROBATION OFFICER: Your Honor, just so it's
18 clear, six weeks from today is October 25.

19 THE COURT: Thank you. October 25. Anything else
20 from the defendant?

21 MR. MURPHY: Nothing further, Your Honor. Thank
22 you, Your Honor.

23 THE COURT: Ms. Huffman, I wish you success moving
24 forward.

25 THE DEFENDANT: Thank you, Your Honor.

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THE CLERK: Court is it in recess. All rise.
(Court recessed at 3:47 p.m.)

CERTIFICATION

I certify that the foregoing is a correct
transcript of the record of proceedings in the above-entitled
matter to the best of my skill and ability.

/s/ Joan M. Daly

September 16, 2019

Joan M. Daly, RMR, CRR
Official Court Reporter

Date